

FISCAL IMPACT STATEMENT ON BILL NO. **S. 979**

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TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Rodney Grizzle and Beth Quick		
DATE:	February 12, 2008	SBD:	2008035

AUTHOR:	Senator Anderson	PRIMARY CODE CITE:	24-21-1010
SUBJECT:	Conviction Pardons		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

Senate Bill 979 amends the Code of Laws of South Carolina, 1976, by adding Section 24-21-1010 which provides that a person who receives a pardon for a conviction of a crime may petition the court of appeals to recover the monetary value of loss sustained through conviction and imprisonment.

EXPLANATION OF IMPACT:

The Department of Probation, Parole and Pardon Services indicates approximately 250 pardons are granted each year. However, the Department states the vast majority of these pardons are for reasons other than specified in the Bill. The Attorney General's Office reports that it could require as many as 12 additional staff if it had to prepare for a hearing for 250 cases annually. The recurring cost for 12 additional staff including other operating expense is estimated at \$570,000. However, actual staffing needs would depend on the number of hearings for which the office would have to prepare and should be less than 250 annually. The Judicial Department indicates that enactment of this legislation will have a minimal impact on that agency's expenditures which it can absorb at its current level of funding.

The number of cases that might be brought before the State upon enactment of this Bill is not readily determinable. The impact on the General Fund of the State is at the General Assembly's discretion since the Bill states that the "State Treasurer shall pay the amount of the award to the claimant out of funds appropriated". If it is the General Assembly's intent that a claimant be paid the amount of the award regardless of the amount appropriated then there is an undetermined liability on the State General Fund.

SPECIAL NOTES:

Existing South Carolina Tort Claims Act statutes (sections 15-78-10 et seq.) address limitations on liability and the awarding of punitive damages.

Approved by:



Harry Bell
Assistant Director, Office of State Budget